UNITED
NATIONS

A S

General Assembly
Security Council

Distr.
GENERAL

A/50/707
S/1995/907
31 October 1995

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fiftieth session
Agenda items 92 and 112
THE SITUATION IN THE OCCUPIED
TERRITORIES OF CROATIA
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fiftieth year

Letter dated 30 October 1995 from the Chargé d'affaires a.i.
of the Permanent Mission of Yugoslavia to the United Nations
addressed to the Secretary-General

I have the honour to transmit the memorandum of the Government of the Federal Republic of Yugoslavia on the ethnic cleansing of, and genocide against, the Serb people of Croatia and Krajina.

I should be grateful if you would have the present letter and its annex circulated as an official document of the General Assembly under agenda items 92 and 112, and of the Security Council.

(Signed) Vladislav JOVANOVIĆ
Ambassador
Chargé d'affaires a.i.

95-33173 (E) 071195 081195

/...

ANNEX

Memorandum of October 1995 on the ethnic cleansing of and genocide against the Serb people of Croatia and Krajina

I. INTRODUCTION

1. After having lived in Krajina, Western Slavonia, Baranja and Western Srem for centuries, the Serbs there today are facing extinction and the obliteration of all traces of their existence in those lands. Employing brutal military and police force, the Croatian Government has been and is forcing Serbs to abandon their ancestral homes and regions which they had managed to safeguard and preserve in the face of all earlier cataclysms.

2. Today, after repeated aggressive campaigns by the Croatian Army, territories in which Serbs accounted for the majority or at least half of the population have been completely ethnically cleansed. All traces of the centuries-long Serb presence, of their heritage, culture and religion, are being stamped out and effaced from the face of the Earth.

3. By the decisions of the Croatian Government, the private property of the expelled Serbs is being seized in Krajina, discrimination is being carried out against Serbs, a situation created as a result of ethnic cleansing is being legalized and Serb constitutional rights have been totally abolished, the objective being to prevent the return of Serb refugees and to create an ethnically pure Croatia.

4. Deliberately planned psychological and physical pressures were exerted on the Serbs for decades in preparation for renewed genocide, much like the one which took place during the period of the Nazi puppet State, the "Independent State of Croatia" (NDH - 1941-1945), when over 700,000 Serbs, Jews and Romanies were liquidated in the Jasenovać concentration camp alone.

5. Since the outbreak of hostilities in 1991, caused by the forcible and unconstitutional secession of Croatia from the former Socialist Federal Republic of Yugoslavia, over 300,000 Serbs have been forcibly expelled from Croatia. The attack of the Croatian Army on the Republic of Serbian Krajina early in August 1995 resulted in an unprecedented exodus of about 250,000 members of the Serb nation. Thus the total number of Serbs banished from Krajina and Croatia reached a figure of about 550,000. 1/ This reduced the proportion of Serbs in the total population of Croatia - which, before Croatia's forcible secession, according to official Croatian data, was more than 12.5 per cent - to a mere 2 per cent to 3 per cent.

6. Parallel with the expulsion of Serbs, the campaigns of terror and violence also drove overwhelming numbers of members of national minorities out of Croatia. Of the approximately 20 per cent non-Croats living in Croatia before its forcible secession, only 3 per cent to 4 per cent remain today.

Croatia has been ethnically cleansed.

II. ARMED AGGRESSIONS

7. A series of aggressions against the Serb population from 1991 to date, accompanied by a campaign of terror, forcible expulsions, mass killings and horrible war crimes (the Medak pocket, the Pakrać field, Maslenica, the Miljevać plateau), culminated in invasions of the United Nations Protected Area (UNPA) Sector West on 1 May 1995 and UNPA Sectors North and South on 4 August 1995.

A. Aggression against Western Slavonia

8. In the aggression of the Croatian Army against UNPA Sector West (Western Slavonia) on 1 May 1995, according to the data established to date, over 3,300 Serb civilians and over 1,000 Republic of Serbian Krajina soldiers 2/ were executed. About 20,000 Serbs were expelled from the area in the process. This armed operation of Croatia was geared to destroying the civilian Serb population and completing its ethnic cleansing of Western Slavonia, begun in 1991.

9. By occupying the entire territory of UNPA Sector West, the armed forces of the Republic of Croatia, in conjunction with its special police units and paramilitary groups, flagrantly breached the Agreement on the Cessation of Hostilities of 29 March 1994 as well as the relevant resolutions of the Security Council calling for the observance of that Agreement, for refraining from the use of force and for the phased and negotiated resolution of the problem. They thereby also trampled on the Vance plan, whereunder that area had been declared a United Nations Protected Area.

10. In its aggression against the Republic of Serbian Krajina, the Croatian Army committed the crimes of genocide and of ethnic cleansing, as attested to by numerous statements of witnesses, reports of representatives of the United Nations, the European Union (EU) Monitoring Mission, the International Committee of the Red Cross (ICRC), of the press, as well as by the Helsinki Watch report of July 1995.

1. Killing of civilians

- On 1 and 2 May 1995, Croatian armed forces committed the crimes of the ruthless killing of civilians, the destruction and looting of houses and flats in the villages of Pankovać, Medari, Smrtic, Vrbovljani, Covac, Gradjani and Donji Bogcevci. Similar crimes were committed in other places as well.

- On 1 May 1995, the Croatian Army bombed from the air and shelled with artillery, columns comprising about 2,000 refugees, near Nova Varos, on the Okucani-Gradiska road, killing more than 200 women and children.

- On 1 May 1995, Croatian units massacred all the Serb villagers they found in the village of Paklenica, east of Novska, mostly women, children and old people. Some of the identified victims are Pantelija Kovacević (74 years old), Vera Kovacević (65), Desanka Vukotić (68),

Petar Vukotić (70), Vukasin Bozić (70), Dragica Pavlović (58), Aleksija Raus (43), Vesna Raus (19, burned alive by Croatian soldiers and police in the cellar of the house in which the medical corps in Paklenica was billeted). 3/

- In the village of Medari, among others, the four-member Vuković family was killed, whose children Gordana and Goran were only 10 and 4 years old respectively. The same thing happened in Nova Varos and in many other places.

- The Croatian authorities failed to account adequately for the killing of Serbs during the offensive. Initially they reported the number of Serbs killed to range between 350 and 450, only to subsequently correct that figure to 188 dead.

2. Demolition and looting

- Over 9,000 Serb houses as well as the only remaining bridge on the Sava river near Gradiska were demolished in order to prevent the expelled Serb population from returning.

- All the episcopes of the Serbian Orthodox Church were banished from Croatia, their residences demolished and the remaining Orthodox churches razed to the ground or heavily damaged. The Slavonian Eparchy of the Serbian Orthodox Church which had existed in the region ever since the sixteenth century, was completely destroyed.

- In Jasenovać, 4/ the Church of the Nativity of St. John the Baptist, dating from 1775 (which was burned down by the NDH fascist regime in 1941, rebuilt in 1984 and damaged by the armed forces of the Republic of Croatia in 1991), was again looted, demolished and desecrated.

- The Church of St. Demetrius, erected in the Serb town of Okucani in 1751 (demolished by the NDH in 1942, rebuilt in 1969 and damaged by the Army of the Republic of Croatia in 1991), was damaged this time again and plundered of all its valuables.

- Croatian soldiers forcibly seized from the Serbs all their movable property (automobiles, tractors) and money and then threatened to kill them unless they left Western Slavonia. Many of these evil doings took place at night in order to prevent the very few international observers who were allowed in the region from ascertaining the facts.

- On 2 May 1995, Croatian soldiers looted the encampments of the United Nations troops stationed in Western Slavonia and seized their arms and personal effects, including $25,000 in cash. 5/

3. Arrests and expulsions

- Despite their promise to allow Serb civilians and soldiers freely to leave the region escorted by United Nations officials, the Croatian authorities reneged on the agreement and arrested about 1,500 Serbs, mostly men of draft age, whom they separated from women, children and elderly persons and interned in prisons in Varazdin, Pozega and Bjelovar.

- About 400 Serb men aged 15 to 28 were incarcerated at the Bjelovar camp. Sixty-three men were imprisoned in the elementary school of the village of Seovica. In Jasenovać there is no longer a single Serb (save for a few women who have found shelter with UNCRO).

11. No one in the Croatian Army and police has been found responsible for any of the crimes committed against the Serbs during their aggression against Western Slavonia. 6/ Despite overwhelming evidence of the war crimes committed, the Croatian authorities denied that there has been any, and in fact that there has been any looting. No action has been brought against anyone before the International war crimes Tribunal despite the existence of irrefutable proof of crimes committed against Serb civilians.

B. Aggression against Krajina 7/

12. The armed aggression of Croatia on 4 August 1995 against the Serb people in UNPA Sectors North and South was carried out with a force numbering 100,000 troops and 50,000 members of the police, with the use of heavy artillery and aviation. The attack against the Republic of Serbian Krajina was partly launched from the territory of another State, i.e., the former Bosnia and Herzegovina. In preparation for the aggression, Croatia had been arming itself for a long time in contravention of Security Council resolution 713 (1991) concerning an arms embargo on weapons imports, had concluded a military agreement with the Muslim Government of A. Izetbegović and engaged foreign military planners and experts.

13. By erecting an information barrier, limiting the movement of representatives of international organizations, by the systematic burning of the people killed and burying them in unmarked mass graves and by washing the roads of blood, Croatia sought to remove the traces of its massive crimes.

1. Killing of civilians

- Defenceless columns of Serb refugees trudging towards the Republic of Srpska and the Federal Republic of Yugoslavia were shelled by artillery and bombed from the air. Near the town of Petrovać in the Republic of Srpska, Croatian aviation killed 10 and gravely wounded about 50 refugees, attesting to which there exists TV footage. MIG-21 aircraft bombed refugee columns moving in the direction of Novi Grad-Prijedor, killing the old woman Marta Galogaza from Vrginmost, her disabled son Rade Galogaza and another person whose identity has not

been established. Two children were among the wounded. This crime was confirmed by M. Nieberg, representative of the Office of the United Nations High Commissioner for Refugees (UNHCR) in Sarajevo.

- The Croatian Helsinki Committee announced that it was in possession of "evidence of 263 bodies found, of which 107 were civilians, 156 of soldiers and policemen, and none of which have been identified". The bodies were found in Kosovo, a place on the road from Gracac to Otric, in Gracac-Posta, in Zagar, Zagrović, Komazeci, at the town cemetery in Knin, in Srb, in the forest near Srb, in Biljani Gornji, Bruvno, Mazin, Podgradje, the barracks in Golubić, in Kovacić, Licko Petrovo Selo, Frkasić, Ivasevci, Udbina, Cista Mala, Kričke, Licki Cerovac, at the Orthodox cemetery in Korenica, in Knin and some at the Knin hospital.

- United Nations officials counted 96 crosses on one mass grave alone at the Knin cemetery, most of which were marked NN (unknown). 8/

- Between 7 and 9 August 1995, United Nations officials found the bodies of 41 civilians and 62 soldiers in mass graves in the area of Knin; and in the area of the communes of Zadar, Korenica and Gracac, the bodies of 104 civilians and 120 soldiers killed by the Croatian forces during the first five days of their aggression against the Republic of Serbian Krajina, Sector South.

- On 29 August 1995, 71 fresh mounds were found in Gracac, 10 of which were marked by names and the rest by numbers.

- Eighty-three wounded persons were taken from Glina in the direction of the Abez woods near Vrginmost and summarily executed. Their bodies were destroyed by chemicals. This crime was committed by the II Croatian Army (HV) guard brigade (I company of the II battalion).

- On the road from Glina to Topusko and Topusko-Kladusa, a refugee column was bombed by Croatian aviation. After the bombing, the road was cleared of demolished tractors, automobiles, etc., by bulldozers and then washed.

- All refugee convoys which on 6 and 7 August 1995 were moving along the following routes: Jabukovać - Kamogovina - Levca - Rujevac (about 50 tractors), Jabukovać - Prevrsac - Suva Medja and Miocinovici - Rujevac (between 20 and 30 tractors) perished, or their fate is completely unknown.

- On the road from Jabukovać to Kostajnica, in a ravine beneath the hamlet of Donja Pastrusa, some 30 demolished tractors were found (which transported at least 100 people), exhibiting traces of bullet holes. Witnesses claim that these people were killed from an elevation called Zilić by the Home Guardsmen Battalion from Slunj and the II guard brigade of the Croatian Army.

- On 9 or 10 August 1995, in Josavica near Petrinja, Slavko Stupar, 60, was killed by members of the same brigade, who slit his throat, finished him off with an axe and then burned him. In addition to him, another 8 to 10 people were killed in the same place. In Donji Hrastovać, near Sisak, Bozic Stevo, 70 year old, was killed.

- On 11 August 1995, in the village of Golubać, the EU Monitoring Mission found the body of an old man shot in the head, and on 11 September 1995, the bodies of two women also killed by shots in the head at close range. Every day the Mission found up to six bodies of people killed in the same or similar manner.

- On 27 August 1995, in the village of Gosić, seven Serb civilians were killed, all about 70 years of age, all bearing the same surname Borak. In this village there is no longer a single inhabitant of Serb nationality. 9/

- On 28 September 1995, in the village of Varivode near Kistanje, nine Serb civilians of ages 60 to 85 were massacred on their doorsteps. United Nations, EU as well as Croatian Helsinki Committee reports confirm that their killers wore Croatian Army uniforms.

- The United Nations human rights team found four bodies in the village of Zagrović near Knin. Three of the bodies had bullet holes in the head. The right-hand fingers of one of the victims had been cut off. The body of the fourth person was mutilated to such an extent that its sex and cause of death could not be established. The bodies of another three civilians were found in the nearby village of Zvjerinać.

- Canadian Brigadier General A. Forrand confirmed to the representatives of the Helsinki International Federation that on the main road leading to the hospital in Knin he had recorded the corpses of 22 people, mostly women and children, with only two of the dead clothed in Republic of Serbian Krajina Army uniforms.

- The bodies of Desanka and Cvija Matijević, both about 65 years of age, who had been killed and half burned, were identified in the village of Bijeli Klanac. Two more unidentified bodies were found in the same condition, as well as the body of a 10-year-old child.

- In a report issued in September of this year, Amnesty International stated that it has been established that Croatian armed forces were executing Serbs from Krajina without a trial, and that the Serbs were being maltreated and their houses systematically destroyed, which all amounted to "a form of collective punishment of the Serbs in that area with a view to deterring them from returning". That organization, which has knowledge of the executions of scores of civilians, sent a letter of protest to the Croatian Government, adducing, inter alia, the example of the village of Grubori where the bodies of five persons had been found, including that of an 80-year-old man and a 90-year-old woman. The report stresses that of the 200 graves recently dug at the Knin cemetery, 120 had no markings at all.

- The Croatian forces deliberately killed 3 and wounded 20 members of the United Nations peace forces. Major R. Lepage, United Nations spokesman in Zagreb, stated on 5 August 1995 that "their death is the result of a direct artillery attack by the Croatian Army on their observer post".

- The British journalist John Scoffield (29 years old) was killed deliberately by Croatian soldiers at close range on 9 August 1995 near Vrginmost, while a BBC crew was filming Serb houses being torched. Two of his colleagues were wounded on that occasion. 10/

- Captured Serbs were used as a human shield by the Croatian Army, and this was even done with 11 senior citizens from the Retarded Persons Home near Topusko. Later members of the peace forces - UNCRO - found the bodies of old people who had been killed, one of whom was in a wheelchair.

- United Nations observers found corpses that had lain there as long as 10 days. They were mostly the bodies of old people, shot in the back of the head or slaughtered. The bodies of two executed Serbs lay at the entrance to Knin for 10 days, despite the fact that UNCRO representatives had demanded that the local authorities investigate the matter and bury the wretched people. 11/

- United Nations observers give accounts of the testimonies of villagers who were ordered by the local Croatian authorities to assemble in the school to be counted in a census. In the meanwhile their homes were set afire, with people who had been unable to move burning to death in them. 12/

- On 6 August 1995, Djuro (father Ljuban) Borojević from Borojevici (Kostajnica) was killed in front of his house, and his estate was set on fire. Milos (father Nikola) Borojević (born in 1948) from the same village was killed in a similar way. His throat was slit and he was burned together with his house.

- The family of Dobre Luka (91 years old) and Milica (89 years old), from the village of Prukljen, were killed and their bodies set afire together with their house.

- On 3 August 1995, in Rijeka, the Serb Branko Drazić (39 years old), from Kordunski Ljeskovac, was forcibly mobilized. Six days after that his family was informed that they were to come for his body and bring the money necessary for transport because "the State will not pay transport and burial expenses for deserters". Allegedly, B. Drazić refused to shoot at his people, so they discharged him from the unit and let him "cross over to his people". The family established that he had been shot in the back at close range.

- United Nations civilian police reported an incident near Vrginmost which took place on 10 August of this year, when a group of Croats beat up 17 Serb refugees (13 men and 4 women) and then took them into

a building. The Croatian police present at the scene prevented United Nations representatives from intervening. The next day United Nations representatives saw the body of a civilian shot in the back of the head at that very spot. 12/

- Croatian police photographed an old Serb man near Knin, and when United Nations police returned to the spot less than an hour later, the man lay dead, having been shot in the back of the head. 12/

- United Nations officials confirmed that they were encountering difficulties in establishing the number of people killed and missing because the Croatian authorities were not at all cooperative and did not allow the "blue helmets" access to many places in Krajina where crimes had been committed. 12/

2. Burning and looting

- The aggression against Krajina was attended by large-scale and systematic destruction and plunder of all inhabited places, industrial and infrastructural facilities, hospitals, schools, as well as of historic and cultural monuments. On 4 and 5 August 1995, 10,000 shells landed on the city of Knin alone.

- Over 70 per cent of Serbian houses were destroyed or burned down by the time of preparation of the present memorandum.

- As they abandoned their ethnic areas, the Serbs also had to abandon their sacred values, the traces of their centuries-long presence in Krajina: old Orthodox churches and monasteries, museums and treasures of their cultural and artistic heritage, the graves of their ancestors, important historical landmarks and archaeological sites, the Jasenovać Memorial Complex as well as the Plitvice National Park which has been included in the World Heritage List and protected by the United Nations Educational, Scientific and Cultural Organization (UNESCO), a total of around 950 cultural monuments, 80 libraries and 122 schools. These priceless historical and artistic values have remained unprotected and are being wantonly looted and devastated by the Army of the Republic of Croatia.

- The invaluable historical and artistic treasures in the Krka Monastery, which dates back to the fourteenth century, were destroyed and looted as well as 43 churches in the areas of Bukovice and Ravni Kotari. The Croatian Army burned down the famous fifteenth-century Krupa Monastery which housed a large number of fresco paintings, icons and church objects.

- United Nations observers established that during their inspection of the area between Knin and Drnis along an 18-kilometre section there were 45 Serb houses ablaze. Almost all houses and apartments in the streets outside the centre of Knin had been burglarized and looted.

- After the cessation of military operations, Knin was systematically and totally pillaged. The first wave of pillage took place when the shock units of the 4th and the 7th brigades entered the town. The United Nations representative stated that the second wave of pillage was conducted by the civilian and special police units of the Republic of Croatia.

- The Zadar-Knin district prefect, Sime Prtenjaca, stated on 17 August 1995 that "the reign of a special kind of anarchy is in evidence in Knin" and that the phenomena of classical looting and disarray had been reported. The military commander of Knin, General Cermak, bears most responsibility for this and has been accused by the district prefect of arbitrariness (interview with Radio Zadar on 17 August 1995).

- The following towns of Banija and Kordun were devastated: Petrinja, Glina, Topusko; and the villages of Trepca, Dugo Selo, Kirinje, Katinovać, Grmusa, Staro Selo and Bovic were burnt down. The few houses that have not been destroyed are marked as reserved for their future Croatian occupants. Witnesses have only seen three Serb civilians within a range of 90 kilometres.

- The villages of Kistanje and Srb were burnt down and looted, while 70 per cent of the town of Donji Lapać was destroyed.

- The Croatian authorities organized veritable looting rail tours from Split to Knin and passengers pillaged private property of the uprooted Serbs. They are, quite evidently, turning a blind eye to such widespread practices and doing nothing to prevent or sanction them. 13/

- The spokeswoman for the United Nations Peace Forces headquarters in Belgrade, S. Manuel, stated on 27 September 1995 that a team of United Nations military observers had visited 240 villages in the former Sector South and established that around 73 per cent of the buildings had been burnt down.

14. United Nations spokesman C. Gunnes told a press conference on 8 September 1995 that members of the Croatian Army were continuing systematically to set afire and loot houses in Sectors South and North and that they were maltreating the remaining Serb civilians, and the United Nations has proof of this. United Nations observers noted that each house in the village of Frkasić near Korenica had been looted and vandalized. Houses were set on fire at Debelo Brdo. Hundreds of houses along the Serb-Otrić section went up in flames. In Sector North houses at Javni, Kosna, Donji Zirovac, Bruvno, Gornji Klasnic and Paukovać had been torched.

- The data on massive looting of Serb houses in Knin were also confirmed by A. Roberts, United Nations spokesman in Knin, who stated that "United Nations military observers have seen Croat soldiers sitting triumphantly atop their tanks with stolen VCRs, TV sets, etc.".

- According to a statement of the Force Commander for Sector South, A. Forrand, on 12 October 1995, they had visited 389 villages and established that 16,578 houses had been burnt down or severely damaged.

- The buildings where representatives of various international organizations had lived and worked have also been looted and destroyed (broken window panes, destroyed furniture, etc.).

3. Arrests and expulsions

- The Croatian authorities do not disclose the data on the number of Serbs held in Croatian camps. In view of the fact that they were established in larger facilities (schools, gymnasiums), the number of Serb detainees may be in the order of several thousand.

- The Croatian authorities do not permit United Nations officials to contact any of the arrested Serbs held in the detention camps in Zadar, Sibenik and Split, despite the agreement reached with the Special Representative of the Secretary-General, Mr. Y. Akashi, to that effect.

- Serb detainees are held at a number of camps. The 22nd Lipanj Elementary School and the Economic Secondary School in Sisak have been transformed into detention camps, as have been Sime Budinic and Simun Kozicic Elementary Schools in Zadar, the students' hostel in Karlovac, the sports hall near Stjepan Radic Elementary School in Sibenik and the fire-brigade centre in Kutina. No information is available on the whereabouts of Serb detainees in Gospić and in Novska. Information on the Serbs arrested in Ivanić Grad and Sinj is only obtainable from the local Red Cross.

- Serb refugees from the Republic of Serbian Krajina were attacked during their passage through Sisak, as reported by the world's media as well. The unruly mob attacked refugee convoys, blocked their passage, smashed the windshields of their vehicles, showered them with stones and rubbish, beat passengers viciously and looted their personal effects. A woman died as a result of the injuries she had sustained on that occasion. The United Nations Civilian Police found 15 damaged vehicles with Krajina registration plates but the fate of the passengers remains unknown. The Croatian authorities which reached agreement with the United Nations on the route to be followed by refugee convoys did not honour their commitment to grant their safe passage. 14/

- *For over a month after the aggression,* the Croatian authorities held captive a total of 1,261 Serbs, of which around 100 were children of ages 1 to 14 at the Knin United Nations Protection Force (UNPROFOR) base and in prison in Zadar. The Croatian authorities made the handing over of 38 persons who were alleged by them to have committed war crimes the condition for granting permission to other refugees to

go to the Federal Republic of Yugoslavia. According to statements by United Nations representatives, among those indicted are an 82-year-old man, two children and a mistakenly identified woman.

- A month after the aggression, a group of 32 exiles from Krajina, aged between 75 and 85, who had been unable to escape from the advancing Croatian Army were transported from Topusko to the Federal Republic of Yugoslavia.

- The wave of euphoria after the capture of Krajina and the prospects for the "final settlement of the Serb question" led to intensified attacks on the remaining Serbs in other parts of Croatia to make them abandon their homes as well. Many Serbs in Velika Gorica near Zagreb are receiving threatening letters demanding that they leave Croatia. In Istria pamphlets have appeared whereby an "Istrian Black Hand" threatens to slaughter any Serb who does not leave Croatia.

- The whereabouts are still unknown of over 3,500 Serbs in Sector North and over 2,000 in Sector South who remain unaccounted for.

III. SEIZURE OF PROPERTY AND PREVENTION OF RETURN

15. On 21 September 1995, Croatia adopted a regulation on the temporary possession and management of specified property, whereby it in effect confiscated all real estate from hundreds of thousands of Serbs expelled from Krajina and parts of Croatia. This legislation also takes away the property owned by all other persons who do not have Croatian citizenship and primarily the citizens of the Federal Republic of Yugoslavia (houses, plots, apartments, vacation homes, etc.). At the same time, local land-registry books are being destroyed along with all other documents which serve as proof of the owners' identity and the ownership title both of the Serbs expelled from the occupied parts of Krajina and of those who still live in Croatia.

16. Even though the execution of this decision has been delayed for 90 days, it in fact means a massive confiscation of any real estate owned by the Serbs and Montenegrins that have been registered as its owners in the relevant land registries. This unprecedented decision constitutes a violation of the basic human right to the inviolability of private property. As it was taken primarily to the detriment of Serbs and Montenegrins, it represents an act of racial and/or ethnic discrimination.

17. The object of this policy is to prevent the expelled Serbs from returning to their homes, which they have abandoned in response to the Croatian Army's threat of the use of force, as well as to settle Croats in their estates. This is confirmed by the public calls being made by the highest-ranking Croatian officials to the Croats (but not to the Serbs) to return in the largest possible numbers and settle in the areas until recently inhabited by the expelled Serbs. 15/

18. The Serbs are openly told not to reckon with the possibility of any rapid or organized return to Krajina, as most directly confirmed by the Minister in

the Croatian Government and Director of the Office for Expelled Persons and Refugees, A. Rebić, in his statement that "the Serbs' return will be much more difficult than their departure", as their return will be associated with "a large number of administrative problems". 16/

19. The same message has been addressed to the expelled Serbs from the highest office as well. Namely, on 26 August 1995, President Tudjman told a rally in Knin that "as of today, Knin is Croatian and never again will there be a reverting to the past". 17/

20. By seizing their property and preventing the return of the expelled Serbs, Croatia is also directly violating the provisions of Security Council resolution 1009 (1995) of 10 August 1995, paragraph 2 of which, in line with the internationally recognized standards and the agreement of 6 August 1995 between Croatia and the United Nations Peace Forces, requires Croatia to: (a) respect fully the rights of the local Serb population, including their rights to remain, leave or return in safety; (b) allow access to this population by international humanitarian organizations; and (c) create conditions conducive to the return of those persons who have left their homes.

IV. CHANGE OF STATUS

21. Croatia, by its aggression and the consequent exodus of Serbs, has created a State which now is formally invoking the call for the revision and annulment of the constitutional rights enjoyed by the Serbs so far, reducing them to the status of a minor ethnic community doomed to disappear altogether from these parts in the foreseeable future.

22. Immediately after the aggression had been committed, amendments to the Constitutional Law on human rights and freedoms and the rights of ethnic and national communities or minorities in the Republic of Croatia were announced. At its session held on 4 September 1995, the Government decided to suggest to the Parliament to adopt, in a summary procedure, a separate Constitutional Law suspending certain parts of the Constitutional Law on human rights in force and thus to virtually erase the Serbs from the Constitution once again.

23. After having undertaken a drastic policy of ethnic cleansing against Serbs, the Croatian authorities are already calling into question the Serbs' right to be represented in Parliament, the Government, regional and other authorities because for that aspect of political life they do not fulfil the new condition of representing the prescribed 8 per cent in Croatia's total population. The announced amendments to the Constitutional Law on the rights of national communities or minorities envisage the abolishment of the districts of Knin and Glina, which so far have enjoyed special self-governing (autonomous) status, even though in nominal terms only. The object of the announced population census to be conducted in the near future is but to legitimize the newly created situation following the forcible expulsion of the Serb population.

24. In Croatia, everything is being done to rule out any possibility for the Serbs as a nation to be able to exist in it as a people. As soon as the Serbs start organizing themselves along any political, spiritual, national and

economic lines on a more permanent and durable basis, their activities are labelled anti-Croatian. All political, legal, administrative, military police and other mechanisms are activated to thwart such attempts and initiatives. On the pretext that the Croatian Constitution and laws guarantee and protect the equality and all rights of the Serb people in Croatia, that people is in fact being discriminated against in Croatia, the very kind of discrimination which dates back to the nineteenth century, to the Ustashi period of Pavelic's NDH, the final act of which was the assumption of power on the part of the Croatian Democratic Union (HDZ) and F. Tudjman.

V. INTERNATIONAL CONDEMNATION OF CROATIA

25. Through the statements by its top-ranking officials (President F. Tudjman, Vice-Premier I. Kostovic, Ministers M. Granić, G. Susak, J. Radic, as well as A. Rebic and I. Tolj), Croatia has sought, by untruthful claims, to minimize and refute the reports of impartial international organizations, foreign observers and media on the gravest war crimes, violations of human, civil, property and other rights of the Serbs. Nevertheless, the nature and the large scale of the crimes committed have elicited a strong response and condemnation by the most prominent international factors:

- The United Nations Security Council, in the presidential statement of 4 August 1995 (S/PRST/1995/38), strongly deplored the decision by the Croatian Government to launch a broad military offensive, thereby unacceptably escalating the conflict; and demanded that all military action cease immediately. It also condemned any shelling of civilian targets and attacks by Croatian Government forces on personnel of the United Nations peace-keeping forces which have resulted in casualties.

- The Security Council in its resolution 1009 (1995), adopted on 10 August 1995, strongly deplored the broad military offensive launched by Croatia; condemned in the strongest terms the unacceptable acts by Croatian Government forces against personnel of the United Nations peace-keeping forces; and demanded that Croatia cease immediately all military actions and that there be full compliance with all Security Council resolutions. It demanded further that Croatia, in conformity with internationally recognized standards and in compliance with the agreement of 6 August 1995 between the Republic of Croatia and the United Nations Peace Forces: (a) respect fully the rights of the local Serb population including their rights to remain, leave or return in safety; (b) allow access to that population by international humanitarian organizations; and (c) create conditions conducive to the return of those persons who had left their homes.

- The Security Council, in the presidential statement of 7 September 1995 (S/PRST/1995/44), expressed deep concern at the grave situation of refugees and persons displaced during the Croatian offensive and at reports of violations of international humanitarian law as described in the report of the Secretary-General of 23 August 1995 (S/1995/730). The Council reiterated its demand that

the Government of Croatia respect fully the rights of the local Serb population, including their right to remain or return in safety.

- The Security Council, in the presidential statement of 3 October 1995 (S/PRST/1995/49), expressed serious concern at the situation of refugees from the Republic of Croatia wishing to return, as well as of those ethnic Serbs who had chosen to remain in the Republic of Croatia. It reiterated its demand, contained, inter alia, in its resolution 1009 (1995), that the Government of Croatia respect fully the rights of the local Serb population including their right to remain or return in safety, investigate all reports of human rights violations and take appropriate measures to put an end to such acts. The Council called upon the Government of Croatia to lift any time-limits placed on the return of refugees to Croatia to reclaim their property.

- In his report to the Security Council of 23 August 1995 (S/1995/730), the Secretary-General of the United Nations, Dr. Boutros Boutros-Ghali, made grave accusations against Croatia, noting that the Croatian Army took little heed of the safety of the United Nations personnel and of Serb civilians during its offensive against Krajina.

- In his report to the General Assembly under agenda item 92, Secretary-General Boutros Boutros-Ghali has clearly pointed out Croatia's responsibility for its armed offensive against Krajina and expressed concern over the widespread violations of human rights and international humanitarian law. He quoted the United Nations High Commissioner for Human Rights, UNHCR, UNCRO, international human rights organizations, regional organizations (including the EU Monitoring Mission), who found evidence of extrajudicial executions, disappearances, ill-treatment, harassment, systematic and widespread destruction of houses and entire villages carried out by members of the Croatian Army and internal security forces in the Krajina against the remaining civilian population, mostly the elderly and women. He stressed that "the recently adopted executive and legislative measures in Croatia, including the law on property, appear to impede the participation of the Croatian Serbs in the civil, political, economic and social life of the country" (ibid., para. 40).

- The report of the EU Monitoring Mission 18/ accuses Croatia of "deliberate hostile operations characterized by killings, the burning of houses and the looting of the property of the remaining Serbs and of preventing all those who had fled in the course of Operation Storm from returning to the area". The report sets out that the calls being made by Croatian officials to the Serbs to return are "in stark contrast to the actual realities". The Croatian authorities are likewise accused of refusing to grant access to areas where there are indications that crimes have been committed.

- The Co-Chairman of the International Conference on the Former Yugoslavia, K. Bildt, stated on 4 August 1995 that "the Croatian

President F. Tudjman could be accused of war crimes for the shelling of civilian targets in Knin". Because of that statement, the Croatian side has refused any further cooperation with Co-Chairman Bildt.

- The Assistant Secretary of State for Human Rights of the United States of America, J. Shattuck, has condemned in the strongest of terms the killing of elderly people, the looting of property, the burning of houses and other violations of the Serbs' human rights in Croatia. He indicated that the United States might consider terminating financial assistance and political support to Croatia unless the latter's authorities condemn those responsible for the killings and for other criminal offences committed against the Krajina Serbs. He asked Croatia to enable the Serbs to return to their homes as well as to repeal its law on the large-scale confiscation of Serb property. 19/

- The Foreign Minister of the Federal Republic of Germany, K. Kinkel, condemned the behaviour of the Croatian authorities. 20/ In his letter to the Croatian Foreign Minister, M. Granić, he pointed to the dangers of the destruction of "the life base of the Krajina Serbs", the measures to discourage their return to their native areas, which "ultimately result in their ethnic cleansing". Minister Kinkel, in his statement of 12 August 1995, likewise warned that "people in flight and in distress are not game to be shot at" and called on Croatia to cease attacking Serb refugees from Krajina.

- Austria's Chancellor, F. Vranitzky, condemned the military offensive against Krajina and accused Croatian leaders of indifference to the suffering of civilians who had become victims of their struggle for power. 21/

VI. SUMMARY

26. During their aggression against Krajina, the Croatian authorities flagrantly violated a large number of international conventions.

27. By mass killings, planned expulsions of the entire Serb population and systematic eradication of all traces of their centuries-long life in those parts, Croatia committed the crime of genocide against the Serb people for the second time in the past 50 years. Croatia is responsible for massive war crimes against Serb civilians, as attested to by the reports of impartial international forums and observers. Regrettably, nobody from Croatia has so far been called to account for the war crimes committed and for the genocide against the Serbs. As a result of this persistent policy pursued by the Croatian Government, around 550,000 Serbs were expelled, among others, from Krajina and Croatia in the 1991-August 1995 period. Of that number, 250,000 Serbs were driven away in the May-August 1995 period alone by the military operations against UNPA Sectors West, North and South. This has given rise to the problem now facing the Federal Republic of Yugoslavia of providing shelter for over 650,000 refugees from those parts.

28. Croatia has carried out the largest ethnic cleansing since the Second World War. Croatia is today ethnically cleansed, whereby it has achieved a strategic objective of its secession from the former Yugoslavia. In less than four years, Croatia has managed to carry out what the quisling NDH and its leader, A. Pavelić, failed to do in their time.

29. By confiscating the property of expelled Serbs in Krajina, the Government of the Republic of Croatia has violated the universal and sacred right of the inviolability of private property. Considering that it has carried out this act guided exclusively by national criteria, this represents a glaring example of national, racial and religious discrimination and hatred.

30. The overall attitude and behaviour of the Croatian authorities at all levels confirm that it is Croatia's strategy to prevent the return of the Serbs to their ancestral homes. This is particularly evidenced by widespread examples of destruction of monuments of culture, churches, monasteries and cemeteries, as well as the confiscation of the immovable property of Serb owners from Krajina, Croatia and the Federal Republic of Yugoslavia.

Notes

1/ Besides those citizens who, according to the last census (1991) in Croatia, were declared to be of Serb nationality, more than 100,000 Serbs registered as Yugoslavs, as a result of the already existing anti-Serb atmosphere in Croatia and because of police and other types of pressure exerted against them. Refugees from that segment of population, after being expelled from Croatia, declared themselves to be Serbs, which they are in fact.

2/ After they had already accepted the cease-fire and stopped resisting.

3/ The bodies of many victims were disfigured or dismembered to such an extent as to render identification impossible.

4/ Jasenovać - the largest concentration camp in the Balkans in the Second World War in which the then authorities of the NDH killed over 700,000 Serbs, Jews and Romanies.

5/ Helsinki Watch, "Croatia - Offensive of the Croatian Army on Western Slavonia", July 1995.

6/ In the entire territory of Western Slavonia there does not exist a single Serb family of middle age or younger. Traces of looting are in evidence in the stores and deserted houses. People released from the camps do not possess any documents from the Croatian authorities (except Red Cross cards as proof that they had been registered). The Croatian military authorities and the people of Serb nationality cannot say, even approximately, how many Serbs (including in the camps) have remained in the entire region. The overwhelming majority of the Serbs know nothing of the fate of their next of kin. Traces of blood have been washed from the roads. Bundles, heaps of clothes, car wrecks: all this speaks of flight for bare life, of violence.

7/ The first historic records of the Serbs settling the region of Krajina date back to the year 822. It was in the sixteenth and seventeenth centuries that the Serbs settled the region of Lika, Kordun, Banija and Slavonia en masse, when, at the invitation of the Austrian emperor, special Serb military units were formed to defend the empire from the Turks, forming the frontier zone - the Military Frontier (Krajina) - which enjoyed a special status and had elements of statehood within the Austrian Empire.

8/ Report of the Fact-Finding Mission of the Helsinki International Human Rights Federation on the Situation in Krajina, Vienna, 25 August 1995.

9/ Feral Tribune (Split, Croatia), 17 October 1995.

10/ The Independent (London), 11 August 1995.

11/ Rude Pravo (Prague), 13 September 1995.

12/ United Nations spokesman R. Lepage, press conference, Zagreb, 11 August 1995.

13/ Feral Tribune (Split, Croatia), August 1995. (Stolen goods included computers, bullet-proof vests, mobile radio stations, United Nations uniforms.)

14/ United Nations - Zagreb, Associated Press, Itar-Tass News Agency, 10 August 1995.

15/ President F. Tudjman'S speech en route to Split on 26 August 1995, Viesnik (Zagreb), 27 August 1995.

16/ Novi list (Rijeka, Croatia), 22 August 1995.

17/ Slobodna Dalmacija (Split, Croatia), 27 August 1995.

18/ Special report by the European Union Monitoring Mission, Zagreb, September 1995.

19/ Reuters, 30 September 1995.

20/ Slobodna Dalmacija (Split, Croatia), 25 August 1995, according to the Munich daily Süddeutsche Zeitung.

21/ Slobodna Dalmacija (Split, Croatia), 5 August 1995.